

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

v.

GREGORY W. ABBOTT, et al.,
Defendants.

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Case No. 5:21-cv-844-XR

**STATE DEFENDANTS’ UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE BRIEF IN
RESPONSE TO PLAINTIFF UNITED STATES’ MOTION FOR SUMMARY JUDGMENT**

Defendants Gregory W. Abbott, in his official capacity as Governor of Texas, Jane Nelson, in her official capacity as Secretary of State, John Scott, in his official capacity as Provisional Attorney General of Texas, and the State of Texas (“State Defendants”), respectfully move the Court for an enlargement of time to file *nunc pro tunc* their Brief in Response to Plaintiff the United States’ Motion for Summary Judgment, which was filed after the deadline. *See* ECF 645.

For the reasons set forth below, the State Defendants respectfully request that the Court accept their Brief in Response to the United States’ Motion for Summary Judgment.

1. State Defendants’ deadline to file their Brief in Response to the United States’ Motion for Summary Judgment (“Brief”) was June 23, 2023, pursuant to the parties’ June 2, 2023, Unopposed Joint Motion to Set Deadlines for Responsive Pleadings to Motions for Summary Judgment (ECF 622), which was granted by the Court on the same day by text-only entry.
2. State Defendants worked diligently to file their Brief prior to the June 23, 2023, midnight deadline, but were forced to file shortly afterwards due to the time constraints of

responding to two substantial summary judgment motions and preparing voluminous exhibits. State Defendants apologize to the Court.

3. Plaintiff the United States is unopposed to this Motion.
4. The circumstances surrounding State Defendants' delay in filing support granting the extension, including State Defendants' "good faith and the absence of any danger of prejudice to [other parties] or of disruption to efficient judicial administration posed by the late filings." *Pioneer Inv. Services Co. v. Brunswick Associates Ltd. P'ship*, 507 U.S. 380, 397 (1993).
5. Plaintiff the United States is not prejudiced by the delayed filing of State Defendants' Brief. Further, State Defendants' delay in filing did not disrupt the Court's schedule.
6. Given the short delay in filing, and lack of prejudice to the other parties in this matter, State Defendants respectfully request that the Court grant an extension of time for the filing *nunc pro tunc* of State Defendants' Brief. *See ECF 645.*

CONCLUSION

For the reasons explained above, State Defendants respectfully request the Court grant their motion for enlargement of time to file *nunc pro tunc*. *See ECF 645.*

Date: June 25, 2023

Respectfully submitted.

JOHN SCOTT
Provisional Attorney General

/s/ RYAN G. KERCHER
RYAN G. KERCHER
Tex. State Bar No. 24060998
Deputy Chief, General Litigation Division

BRENT WEBSTER
First Assistant Attorney General

KATHLEEN T. HUNKER
Special Counsel
Tex. State Bar No. 24118415

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN E. COWLES
Deputy Attorney General for Civil
Litigation

WILLIAM D. WASSDORF
Assistant Attorney General
Tex. State Bar No. 24103022

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 463-2120
Fax: (512) 320-0667
ryan.kercher@oag.texas.gov
kathleen.hunker@oag.texas.gov
will.wassdorf@oag.texas.gov

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on June 25, 2023, and that all counsel of record were served by CM/ECF.

/s/ RYAN G. KERCHER
RYAN G. KERCHER

CERTIFICATE OF CONFERENCE

I certify that on June 24, 2023, my office conferred by email with counsel for the United States concerning the subject of the instant motion. Counsel for the United States indicated that they are unopposed to the motion.

/s/ RYAN G. KERCHER
RYAN G. KERCHER